

# Notice of Allowability

Application No.

10/054,295

Examiner

Malgorzata A. Walicka

Applicant(s)

CECH ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of Feb. 23, and March 31, 2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/18/02, 1/20/04.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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The amendment filed Feb. 23, 2004 is acknowledged. The amendment to the title and claims has been entered. Claims 1, 9 and 10 are amended; new claims 15-20 are entered. Claims 1-20 are pending and are the subject of this Office Action.

The terminal disclaimers filed on March 3, 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of the US Patents 6,261,836 and 6,465,789 have been reviewed and are accepted. The terminal disclaimers have been recorded.

## **DETAILED ACTION**

### **1. Objections**

Objection to claim 9 is withdrawn, because the claim has been amended.

### **2. Rejections**

#### *2.1. 35 USC, section 112, second paragraph*

Rejection of claims 1-14 made in the Office Action of October 21, 2003 is withdrawn, because claim 1 has been amended.

#### *2.2. Nonstatutory Double Patenting*

Rejection of claims 1-14 under the judicially created doctrine of obviousness-type double patenting over claims 3 and 4 of the U.S. Patent No. 6,261,836 B1 is withdrawn, because the terminal disclaimer has been filed.

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In addition, rejection of claims 11-14 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 2 of the U.S. Patent No. 6,475,789 B1 is withdrawn because the terminal disclaimer has been filed.

### **3. Allowance**

Claims 1-20 are allowed. The following is the examiner's reason for allowance. Applicants are the first to disclose human cDNA encoding for human telomerase reverse transcriptase. No prior art discloses or fairly suggest said cDNA and its incorporation into expression vectors. The invention claimed by Applicants has clinical application in diagnosis and treatment of many diseases related to cancer and aging.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka, Ph.D., whose telephone number is (571) 272-0944 and the right fax number is (571) 273-0944. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 4:30 p.m. EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, Ph.D. can be reached on (571) 272-0928. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionists whose telephone number is (703) 308-0196.

Malgorzata A. Walicka, Ph.D.  
Art Unit 1652  
Patent Examiner

  
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